

**APPROVED**  
**Pittsford Planning Commission Meeting**  
**April 23, 2015**

**Board Members Present:** Kathryn Brown, Trish Lewis, David Soulia, Chuck Charbonneau, Cristina Kumka, Rula Moradi

**Board Members Absent:**

**Also in Attendance:** Jeff Biasuzzi – Zoning Administrator, Paul Boyer, Mr. Heimer, Mrs. Heimer

**1. Call to order**

The meeting was called to order at 7:00PM by Trish Lewis – Chair.

**2. Approval of Agenda**

A motion was made by David Soulia and seconded by Kathryn Brown to accept the agenda. **The motion passed unanimously.**

**3. Approve Minutes**

*a. February 26, 2015 Planning Commission Meeting*

A motion was made by Kathryn Brown and seconded by David Soulia to accept and approve the February 26, 2015 Planning Commission minutes, as presented. **The motion passed.**

*b. March 26, 2015 Planning Commission Meeting*

A motion was made by Trish Lewis and seconded by Kathryn Brown to accept and approve the March 26, 2015 Planning Commission minutes, as presented. **The motion passed with members not in attendance abstaining.**

**4. Introduction of New Planning Commission Members**

Introductions were made by the Board. Dave Soulia is the owner of Black Powder Farm. Trish Lewis lives in Pittsford on a small farm and has been a member of the Planning Commission for several years. Kristina Kumka has lived in Pittsford a little over a year and works for PEG-TV. Chuck Charbonneau lives in Pittsford and is self-employed and has two degrees in architecture. Kathryn Brown has been a Pittsford resident for many years and owns The Antique Pew in Pittsford. Rula Moradi moved to Pittsford from Chicago is interested in giving back to his new community.

**5. Site Plan/Subdivision Application: Warned Hearing to review Subdivision (Application # 15-05) request by Paul & Susan Boyer, 120 Trout Brook Rd.; dividing existing 10 acre parcel into a 6.8 acres with existing residence and 3.2 acres for future construction.**

Trish Lewis opened the hearing at 7:10PM

The hearing was to review application 15-05. Paul Boyer stated he has 10 acres of land and he would like to split the property into two lots and build a new house on one lot. The remaining lot would have the existing house. Mr. Boyer has completed all state requirements and has provided the information to the Town Clerk. Mr. Boyer has received a waste water permit for the new house.

Jeff Biasuzzi stated Mr. Boyer has applied for the subdivision and the state has a 30-day statutory appeal time after the Planning Commission hearing. Concurrently, Mr. Boyer has submitted an application for a single family residence. The permit is subject to the subdivision approval and the wastewater permit, which has been received. Trish Lewis provided the Board an opportunity to ask questions or comments on the request. Dave Soulia questioned whether Mr. Boyer has reviewed the tax ramifications and Mr. Biasuzzi noted there is no land gain issues as they have resided on the property for 12 years.

John Heimer, an abutter to the Boyer property, asked if the house is finished that they are in now. Paul Boyer stated the house is close to complete and when the house goes on the market it will be 100% complete. The current house is a single-family dwelling and has a permit for a mother-in-law apartment. Trish Lewis noted the border between the two properties is wooded. Cristina Kumka asked what the abutter's concerns were and it was noted that the existing home is not finished and there is concern that it will become a rental property. Paul Boyer stated it is built as a single family with a mother-in-law apartment and an increase in the rental occupancy would require a zoning change. In order for Mr. Boyer to move into a new house, they will require the sale of the current house. The exterior of the house is complete at the current time. Jeff Biasuzzi stated in that district a rental property is permitted and Mr. Boyer may not have the intention of renting, but the purchaser may have the intent to rent. Mrs. Heimer was concerned it might be divided into two apartments. Trish Lewis stated if a single purchaser decides to add an apartment and increase capacity there would be additional permits that are required by the town or the state. Ms. Lewis noted if that happens the Heimers would be notified as abutters and they have the opportunity to come back to express their concerns at a future hearing. Mr. Biasuzzi stated the rural zone is permitted for one-family and two-family; others are conditional use that would have to come before the Planning Commission and would be subject to both town and state approval.

Trish Lewis assumed that all of the abutting landowners were notified. Jeff Biasuzzi stated it was warned and the abutters received notification by mail and the poster sign is out. Ms. Lewis questioned if there will be an easement back to the new lot. Paul Boyer stated there is an existing easement and there is no issue in this area. It was noted the houses are towards the eastern side and it was questioned if there are wetlands to the west. Mr. Biasuzzi stated there is an affiliated floodplain and wetland, but the construction/building area is in neither of those. The setbacks are acceptable and there is room to tweak if needed. The right of way goes all the way to the Miglorie property. Mr. Biasuzzi advised the town right of way requirement is satisfied.

A motion was made by Kathryn Brown and seconded by Cristina Kumka to close the hearing at 7:26PM.

with their property. Ms. Lewis noted the zoning regulations relate to the Town Plan that outlines the vision for Pittsford.

Ms. Lewis noted there are 13 points the Select Board would like the Planning Commission to review to agree with or adjust and the Planning Commission has to act on what the Select Board has provided. The 13<sup>th</sup> point is to add the map, and this was unanimously agreed to; so all further discussion will refer to the first 12 points only. Jeff Biasuzzi stated the Town Plan is the guidance document and the zoning regulations are the governing document. The proposed changes do not take any pre-existing conditions and void them and the new rules do not impact existing businesses as all current usage will be grandfathered in. With regard to the auto repair item, he suggested defining where a repair shop is an acceptable and if any conditions should be connected to this type of activity in different locations. Pittsford has allowed for as much leniency as allowed by the state statute. Chuck Charbonneau noted concern that zoning may be voted out and the Planning Commission has to be cautious about the changes. Ms. Lewis again suggested that the Planning Commission research the 12 points and respond to the Select Board. Ms. Kumka concurred that the points should be researched and a response provided to the Select Board. Jeff Biasuzzi stated there are some statutory requirements that have to be addressed in the present zoning regulations. Rula Moradi suggested that a full-day planning session with the Select Board could help to clarify the points. Ms. Lewis suggested the Select Board could be invited to the Planning Commission meeting once the points are researched to discuss the proposed changes.

Trish Lewis advised there is the possibility to obtain grant money to host public forums that could bring a cross-section of the population together for planning discussions. Cristina Kumka stated there is a lot of information that can be obtained through the Regional Planning Commission. Rula Moradi noted he has read the Town Plan and thinks the Planning Commission should move forward with helping to keep the businesses in Pittsford. Ms. Lewis stated there are many items that are obsolete that need to be updated in the regulations and she would like to have the 12 points completed and move forward from the current revision. Dave Soulia stated the points provided by the Select Board reflects the major issues that the public was concerned about and he suggested moving forward with the latest revision, including the changes suggested by the Select Board without further review. Cristina Kumka expressed concern with moving forward without researching the Select Board's concerns as she thought the Select Board has provided the points for the Planning Commission to do more work and provide further input. Chuck Charbonneau thought the Select Board sent the points back to Planning Commission to make the changes without further review to the zoning regulations. Mr. Charbonneau stated there are a lot of good ordinances and the Planning Commission did a great job. He noted the townspeople have spoken and the 12 points are the only items that they are against.

Trish Lewis took a straw vote on whether to do research on the points and it was a vote of 3 to 2 in favor of researching the points.

Dave Soulia noted if the zoning regulations were voted on with the Select Board's recommendations, it would put a close to the last process. The regulations could

Trish Lewis advised that the owners will hear from the Planning Commission within 45 days of the hearing via mail. Ms. Lewis noted there did not appear to be any issues and the Planning Commission will go into deliberative session to discuss.

A motion was made by Cristina Kumka and seconded by Dave Soulia to enter into deliberative session at 7:27PM. **The motion passed unanimously.**

#### **Deliberations:**

A motion was made by Cristina Kumka and seconded by David Soulia to come out of deliberative session at 7:50PM. **The motion passed unanimously.**

A motion was made by Kathryn Brown and seconded by Cristina Kumka to approve the Subdivision (Application # 15-05) dividing the existing 10 acre parcel into 6.8 acres with an existing residence and 3.2 acres for future construction. **The motion passed unanimously.**

The Planning Commission authorized the Zoning Administrator to approve the application and notify the owner within the 45 day time period.

#### **6. Public Forum**

There was no public present, no discussion was held.

#### **7. Proposed Zoning Regulations: Review and initiate work on response to Select Board recommendations to amend the Draft Zoning Rules (version 12/04/14)**

The Zoning Administrator had provided the Planning Commission members the Select Board input on the proposed changes to the zoning regulations. Trish Lewis suggested taking the points and assigning them to individual Planning Commission members to do the research and provide input to the full Commission on the pros and cons of the points and ultimately providing feedback to the Select Board. Dave Soulia noted the Planning Commission had put in a lot of thought and work into the zoning regulations, but there was no explanation of how the changes were arrived at. Ms. Lewis stated the current revision took two years to complete prior to the Select Board's public hearings. Following the hearings, the Select Board developed a listing of 13 items that were sent back to the Planning Commission with suggested action. Chuck Charbonneau stated there has been a lot of time and effort put into the revisions and the townspeople have spoken at the hearings. Chuck Charbonneau said taxpayers of Pittsford are not comfortable with the changes. Cristina Kumka noted that she wants to clarify the item regarding auto repair work in the home. She stated the majority of Pittsford residents may want the regulation to remain and the Planning Commission may need to grandfather the businesses in town. She feels that it is the responsibility of the Planning Commission to do the best job for the majority of the people in Pittsford. Mr. Soulia stated after reviewing the zoning regulations, he suggested the Planning Commission should be doing fewer, but more concise, rules. Mr. Soulia does not think the town should be able to say what one can or cannot do

then be clarified or reintroduced. Trish Lewis expressed concern regarding some of the points and would rather clarify the reason for the changes prior to approval. Cristina Kumka stated she does not have enough information to take the stipulation out of zoning regarding farm workers until further research is done. With regard the issue of auto repair, she also does not feel comfortable taking it out of zoning, as it has been in the zoning for several years prior to the current revision and she wants more information before making the decision to remove it. Ms. Kumka wants to meet with the Regional Planning Commission prior to making a decision. Jeff Biasuzzi noted there has to be confidence in the zoning and zoning is good for business. It was clarified that under the current regulations, farmers could not bring in farm workers and this change had to be created to allow for seasonal farm workers housing. This revision to help farm owners is one of the points that needs more research before it is struck from the current revision.

The Planning Commission members agreed to research the following Select Board points:

Cristina Kumka - #9 and #11  
Dave Soulia - #1 and #6  
Chuck Charbonneau - #10, #2 and #3  
Kathryn Brown- #7  
Trish Lewis - #4 and #8  
Rula Moradi - #12 and #5

The Planning Commission members will provide their input to the Zoning Administrator for distribution to all members for review prior to the next Planning Commission meeting.

## **8. Chair Bits and Pieces**

Trish Lewis advised the Planning Commission members about a June 10<sup>th</sup> workshop state-wide workshop on VT planning issues. Jeff Biasuzzi stated one of the subjects, emergency preparedness, is important to the town in an effort to limit the town's exposure to budgeting responsibility if there is another Irene. In terms of budgets for the towns, it would reduce the exposure; however the down side is that it spreads the floodplain regulation out and could impact the land. Ms. Lewis stated any Planning Commission member who would like to attend should contact the Zoning Administrator to sign up. Rula Moradi and Trish Lewis will attend the workshop.

## **9. Executive Session**

There was no executive session held.

## **10. Member Updates**

There was no discussion held.

## **11. Next Regular Meeting**

Thursday, May 28, 2015 @ 7:00PM

## 8. Adjournment

A motion was made by Dave Soulia and seconded by Cristina Kumka to adjourn the Pittsford Planning Commission meeting at 9:30PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary

Approved by,

 5/23/15  
The Pittsford Planning Commission